

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

CIVIL ACTION  
NO. 04-12724-JLT

CONRAD MURPHY,

Plaintiff,

v.

KATHLEEN M. DENNEHY, *et al.*,

Defendants.

**AFFIDAVIT OF COUNSEL**

I, Wendy C. Weber, hereby depose and state as follows:

1. I am an attorney admitted to practice law in the Commonwealth of Massachusetts and before the United States District Court of the District of Massachusetts.
2. On July 13, 2005, I received a pleading from plaintiff Conrad Murphy alleging that he did not receive a complete copy of the defendants' Memorandum of Law in support of Motion to Dismiss, which was filed electronically and served upon him by first class mail on June 28, 2005, along with defendants' Motion to Dismiss, Memorandum of Law and Motion to Waive Local Rules.
3. On this date, July 14, 2005, I electronically mailed complete copies of each pleading to Massachusetts Correctional Institution – Cedar Junction ("MCI-CJ") paralegal Cheryl Maher, had her check them for completeness, and instructed her to personally serve the plaintiff with the pleadings.
4. At approximately 9:53 am, Ms. Maher personally served the plaintiff and filed an incident report detailing what he received. See Exhibit A attached hereto.

5. I intend to electronically mail a complete copy of the instant affidavit, which I will also instruct Ms. Maher to review for completeness and personally serve upon the plaintiff on this date.

Signed under the pains and penalties of perjury this fourteenth day of July, 2005.

\_\_\_\_\_  
/s/ Wendy C. Weber  
Wendy C. Weber, Counsel

**CERTIFICATE OF SERVICE**

I hereby certify that on this date a true copy of the above document was served upon the plaintiff appearing *pro se* by hand delivery.

Date: July 14, 2005

\_\_\_\_\_  
/s/ Wendy C. Weber  
Wendy C. Weber, Counsel

# COMMONWEALTH OF MASSACHUSETTS

## DEPARTMENT OF CORRECTION

### MCI CEDAR JUNCTION

#### INCIDENT REPORT

**Incident Report #** : 188196    **Incident Time** : 09:53    **Date**: 07/14/2005    **Place**    West Wing Corridor  
**Codes & Subject** : INMATE RELATED    Outside Agency    **Occurred:**  
**Reported By** : Maher Cheryl PARALEGAL    **Department**: Paralegal    **Reported Date**: 07/14/2005

**Description** : On Thursday, July 14, 2005, at the request of DOC Legal, Attorney Wendy Weber, the following was served in hand to inmate Conrad Murphy.

1. Appearance (1 page)
2. Defendant's Motion To Waive Local Rules 7.1(A)(2) AND 37.1 (2-pages)
3. Exhibits A&B (A consisted of 16 pages and B consisted of 4 pages)
4. Defendants' Memorandum Of Law In Support Of Motion To Dismiss (16 pages)
5. Defendants' Motion To Dismiss (2 pages)

Person Type	Commit No	Name	Housing Unit
Inmate	W47737	MURPHY CONRAD	BLOCK 2

**Entered By:** Maher Cheryl PARALEGAL

**Supervisor :**

**Date:**

**Comments :**

**Shift Commander:**

**Date:**

**Comments :**

